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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,121	04/01/2004	Egan Schulz	P3146US1 (60108-0094)	8492

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EXAMINER	
STOFFREGEN, JOEL	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/816,121	SCHULZ, EGAN	
	Examiner	Art Unit	
	Joel Stoffregen	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 April 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the original application filed on 04/01/2004 and preliminary amendment filed on 06/25/2004.

Claims 1-49 are currently pending in this application. Claims 1, 12, 20, 31, and 39 are independent claims.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Drawings

3. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 39-49** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer program product recited in the claims is not tangibly embodied on a computer-readable medium and is therefore nonstatutory functional descriptive material.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. **Claims 1-49** are rejected under 35 U.S.C. 102(a) as being anticipated by Digidesign Pro Tools Reference Guide ("PRO TOOLS").

8. Regarding **claim 1**, PRO TOOLS teaches a method for manipulating at least one audio file via a graphical user interface comprising:

displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

displaying a waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

obtaining input to said timeline component where said input identifies a first time point and a second time point of said set of time points ("with the Selector, drag to select the material for the new region or regions", p. 215, see also figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points);

generating a selection overlay comprising an area of said timeline component and said waveform component that falls between said first time point and said second time point (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

9. Regarding **claim 2**, PRO TOOLS further teaches that said characteristics of said audio file is amplitude (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

10. Regarding **claim 3**, PRO TOOLS further teaches that said area of said selection overlay is highlighted (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

11. Regarding **claim 4**, PRO TOOLS further teaches that said set of time points represents intervals of time (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows an interval of time points).

12. Regarding **claim 5**, PRO TOOLS further teaches:

generating a visual representation on said timeline component and said waveform component upon receiving said input to said timeline component (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points and the waveform in the selected region is highlighted).

13. Regarding **claim 6**, PRO TOOLS further teaches that said visual representation indicates a start point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the down arrow in the top bar indicates the start point).

14. Regarding **claim 7**, PRO TOOLS further teaches that said visual representation indicates an end point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the up arrow in the top bar indicates the end point).

15. Regarding **claim 8**, PRO TOOLS further teaches:

performing at least one special function to said area of said audio file associated with said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

16. Regarding **claim 9**, PRO TOOLS further teaches that said at least one special function comprises a copy operation (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

17. Regarding **claim 10**, PRO TOOLS further teaches that said copy operation comprises generating a new instance of said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

18. Regarding **claim 11**, PRO TOOLS further teaches that said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

19. Regarding **claim 12**, PRO TOOLS teaches a method for manipulating at least one audio file via a graphical user interface comprising:

displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

displaying a first waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

displaying a graphical adjustable element that visually represents a parameter component of said audio file over said duration (see p. 392, figures labeled "Track volume automation" and "Track Pan automation");

obtaining an adjustment input on said graphical adjustable element representing said parameter component ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation, also see "drag a breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation);

modifying said parameter component in said audio file in accordance with said adjustment input on said graphical adjustable element ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation, also see "drag a breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation).

20. Regarding **claim 13**, PRO TOOLS further teaches that said characteristics of said audio file is amplitude (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

21. Regarding **claim 14**, PRO TOOLS further teaches that said graphical adjustable element is a line (see p. 392, figures labeled "Track volume automation" and "Track Pan automation").

22. Regarding **claim 15**, PRO TOOLS further teaches that said parameter component is volume of said audio file during playback ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation).

23. Regarding **claim 16**, PRO TOOLS further teaches that said parameter component is pan level of said audio file during playback ("drag a breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation).

24. Regarding **claim 17**, PRO TOOLS further teaches that said adjustment input comprises using an input device to click on a first point on said graphical adjustable element and dragging said first point to a desired adjustment level ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation, also see "drag a breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation).

25. Regarding **claim 18**, PRO TOOLS further teaches that said desired adjustment level is a second point above said first point ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation, also see "drag a

breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation).

26. Regarding **claim 19**, PRO TOOLS further teaches that said desired adjustment level is a second point below said first point ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation, also see "drag a breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation).

27. Regarding **claim 20**, PRO TOOLS teaches graphical user interface for manipulating at least one audio comprising:

a first element displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

a second element displaying a waveform component that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

a third element for obtaining user input to said timeline component where said input identifies a first time point and a second time point of said set of time points ("with the Selector, drag to select the material for the new region or regions", p. 215, see also figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points);

a fourth element indicating a selection overlay comprising an area of said timeline component and said waveform component that falls between said first time point and said second time point (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

28. Regarding **claim 21**, PRO TOOLS further teaches that said characteristics of said audio file is amplitude (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

29. Regarding **claim 22**, PRO TOOLS further teaches that said area of said selection overlay is highlighted (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

30. Regarding **claim 23**, PRO TOOLS further teaches that said set of time points represents intervals of time (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows an interval of time points).

31. Regarding **claim 24**, PRO TOOLS further teaches:

a fifth element providing a visual representation on said timeline component and said waveform component upon receiving said input to said timeline component (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the two arrows on

the top bar identify the two time points and the waveform in the selected region is highlighted).

32. Regarding **claim 25**, PRO TOOLS further teaches that said visual representation indicates a start point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the down arrow in the top bar indicates the start point).

33. Regarding **claim 26**, PRO TOOLS further teaches that said visual representation indicates an end point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the up arrow in the top bar indicates the end point).

34. Regarding **claim 27**, PRO TOOLS further teaches:

means for performing at least one special function to said area of said audio file associated with said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

35. Regarding **claim 28**, PRO TOOLS further teaches that said at least one special function comprises a copy operation (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

36. Regarding **claim 29**, PRO TOOLS further teaches that said copy operation comprises generating a new instance of said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

37. Regarding **claim 30**, PRO TOOLS further teaches that said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

38. Regarding **claim 31**, PRO TOOLS teaches a graphical user interface for manipulating at least one audio file comprising:

a first element displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

a second element displaying a first waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

a third element displaying a graphical adjustable element that visually represents a parameter component of said audio file over said duration (see p. 392, figures labeled "Track volume automation" and "Track Pan automation");

a fourth element for obtaining an adjustment input on said graphical adjustable element representing said parameter component, wherein said parameter component in said audio file is modified in accordance with said adjustment input on said graphical adjustable element ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation, also see "drag a breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation).

39. Regarding **claim 32**, PRO TOOLS further teaches that said characteristics of said audio file is amplitude (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

40. Regarding **claim 33**, PRO TOOLS further teaches that said graphical adjustable element is a line (see p. 392, figures labeled "Track volume automation" and "Track Pan automation").

41. Regarding **claim 34**, PRO TOOLS further teaches that said parameter component is volume of said audio file during playback ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation).

42. Regarding **claim 35**, PRO TOOLS further teaches that said parameter component is pan level of said audio file during playback ("drag a breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation).

43. Regarding **claim 36**, PRO TOOLS further teaches that said adjustment input comprises using an input device to click on a first point on said graphical adjustable element and dragging said first point to a desired adjustment level ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation, also see "drag a breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation).

44. Regarding **claim 37**, PRO TOOLS further teaches that said desired adjustment level is a second point above said first point ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation, also see "drag a breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation).

45. Regarding **claim 38**, PRO TOOLS further teaches that said desired adjustment level is a second point below said first point ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation, also see "drag a

breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation).

46. Regarding **claim 39**, PRO TOOLS teaches a computer program product ("on Macintosh or Windows", title page) having computer readable program code embodied therein for manipulating at least one audio file via a graphical user interface, said computer readable program code comprising computer program code configured to cause a computer to:

display a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

display a waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

obtain input to said timeline component where said input identifies a first time point and a second time point of said set of time points ("with the Selector, drag to select the material for the new region or regions", p. 215, see also figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points);

generate a selection overlay comprising an area of said timeline component and said waveform component that falls between said first time point and said second time

point (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

47. Regarding **claim 40**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform component further comprises computer program code configured to cause said computer to display a data amplitude of said at least one audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

48. Regarding **claim 41**, PRO TOOLS further teaches that said computer program code configured to cause said computer to generate said selection overlay further comprises computer program code configured to cause said computer to highlight said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

49. Regarding **claim 42**, PRO TOOLS further teaches that said computer program code configured to cause said computer to obtain input to said timeline component further comprises computer program code configured to cause said computer to represent intervals of time (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows an interval of time points).

50. Regarding **claim 43**, PRO TOOLS further teaches:

computer program code configured to cause said computer to generate a visual representation of said timeline component and said waveform component upon receiving said input to said timeline component (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points and the waveform in the selected region is highlighted).

51. Regarding **claim 44**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform component further comprises computer program code configured to cause said computer to indicate a start point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the down arrow in the top bar indicates the start point).

52. Regarding **claim 45**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform further comprises computer program code configured to cause said computer to indicate an end point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the up arrow in the top bar indicates the end point).

53. Regarding **claim 46**, PRO TOOLS further teaches:

computer program code configured to cause said computer to perform at least one special function with respect to said area of said audio file associated with said

selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

54. Regarding **claim 47**, PRO TOOLS further teaches that said at least one special function comprises copying data associated with said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

55. Regarding **claim 48**, PRO TOOLS further teaches that said computer program code configured to cause said computer to perform said at least one special function further comprises computer program code configured to cause said computer to generate a new instance of said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

56. Regarding **claim 49**, PRO TOOLS further teaches that said new instance further comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

Conclusion

57. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A list of the pertinent prior art can be found on the included form PTO-892 Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joel Stoffregen whose telephone number is (571) 270-1454. The examiner can normally be reached on Monday - Friday, 9:00 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

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